

Richard Gerald Orr
Clark County Jail
P.O. Box 1147
Van Couver, WA 98666-1147

Tele No 360 - 980 - 4812

PRO SE LITIGANT Richard G. Orr.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

10-6268-TC

Civil Case No. To Be Assigned At Filing

JURY TRIAL DEMAND

COMPLAINT

Richard Gerald Orr,
Plaintiff,
V.

1. Timothy Mueller, Linn County's Sheriff,
2. Jeff Cone, Linn County Jail's Commander,
3. Todd Vian, Linn County Jail's Supervising Administrator,
Defendants.

I. JURISDICTION & VENUE

1) This is a civil action authorized by Title 42 of the United States Code Section 1983 to redress the deprivation, under Color of State law, rights secured by the amendments set forth to the United States Constitution, and Sections of the State of Oregon's Constitution. The court has jurisdiction under 28 USC Section 1331 and 1343 (a) (3), and the Court has supplemental jurisdiction over plaintiff's State law claims under 28 USC Section 1367. Plaintiff seeks declaratory relief pursuant to 28 USC Section 2201 and 2202 Plaintiff's claims for injunctive relief are authorized by 28 USC Section 2283 and 2284 and Rule 65 of the Federal Rules of Civil Procedure.

2) The United States District Court For The District of

Oregon is an appropriate venue under 28 USC Section 1391(b)(2) because it is where the events giving rise to these claims occurred.

II. AMENDMENTS TO THE U.S. CONSTITUTION INVOLVED

3) This Case involves the deprivation of the 1st Amendment to the U.S. Constitution which states; "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for redress of grievances: Also the 8th Amendment which states; "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted: Also the 14th Amendment which states; "All persons born or naturalized in the United States, and subject to the jurisdiction thereof are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of Citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."

III. OREGON STATE CONSTITUTION SECTIONS INVOLVED

4) This Case also involves the deprivation of the Oregon State's Constitution Sections: Section 3 which states; "No law shall be passed restraining the free expression of opinion, or restricting the right to speak, write, or print freely on any subject whatever; but every person shall be responsible for the abuse of this

1 right; Also Section 10 which states; "No Court shall be secret,
2 but justice shall be administered, openly and without purchase,
3 Completely and without delay, and every man shall have remedy by due
4 Course of law for injury done him in his person, property, or reputation.
5 Also Section 16 which states; "Excessive bail shall not be required,
6 nor excessive fines imposed. Cruel and unusual punishment shall
7 not be inflicted, but all penalties shall be proportioned to the
8 offense. — In all Criminal Cases whatever, the jury shall have the
9 right to determine the law, and the facts under the direction of
10 the Court as to the law, and the right of new trial, as in civil cases.
11

12 IV. PLAINTIFF

13 5) I, Richard Gerald Orr, currently am a detainee within the
14 State of Washington, in Clark County's Jail within the City
15 of Vancouver across the Columbia River from Portland, Oregon.
16 I am fighting extradition to be transferred back to Linn County, to
17 the City of Albany, Oregon, and back into the Custody of the Linn
18 County Jail for allegedly violating the Conditions of Post-Prison
19 Supervision. My Constitutional rights to petition the Government for
20 the redress of grievances and due process of law are deprived in Linn County,
21 At all times mentioned herein I was an inmate within the Custody
22 of the Linn County Jail located at 1115 SE Jackson St., Albany, Oregon 97321.
23

24 V: DEFENDANTS

25 6) I. Defendant, Timothy Mueller, is the current elected Sheriff
26 of Linn County. He is the supreme administrative authority of the
27 Linn County Jail. He is responsible for the supervision and management

1 of his Subordinates who enforce the policies within the Linn
2 County Jail that deprives a Linn County Jail inmate of his
3 U.S. Constitutional rights of meaningful access to the Courts to
4 prosecute a Civil Suit as a pro se litigant. The responsibility
5 is the Linn County Sheriff's to order any of his Linn County
6 Sheriff's Administrative Detention Deputies such as the
7 Commander and Supervising Detention Official of the Linn
8 County Jail to immediately desist and stop the unconstitutional
9 enforcement of policies that deny a Linn County Jail inmate
10 meaningful access to the U.S. District Court to initiate a
11 Civil Suit as a pro se litigant. The defendant, Timothy
12 Mueller, Sheriff of Linn County has acted, and is currently
13 acting in deliberate indifference to the right of a Linn
14 County Jail inmate's right to have meaningful access to
15 the U.S. District Court to prosecute a Civil Complaint as a pro
16 se litigant. At all times mentioned within this Complaint
17 the defendant acted under color of state law.

18 7)2 Defendant, Jeff Cone, Linn County Jail's Commander is
19 Second in the responsibility for Supervising and managing
20 his Subordinates. He is responsible for the policies and procedures
21 implemented by his subordinate Linn County Sheriff's Detention Deputies
22 who are enforcing the policies and procedures within the Linn
23 County Jail that does effect an inmates right to have meaningful
24 access to the United States District Court to prosecute a civil
25 action as a pro se litigant. The defendant did act, and is
26 currently acting in deliberate indifference to a Linn County Jail
27 inmate's U.S. Constitutional rights, and the Oregon State's

1 Constitutional rights to have meaningful access to the Courts
2 as a pro se litigant to prosecute a Civil action. There is not
3 any distinction made within the amendments to the U.S.
4 Constitution or Oregon State's Constitution that Criminal defense
5 of an inmate as his own Counsel has priority over the Constitutional
6 rights of a detainee within the custody of any United States
7 County jail who has a non-frivolous Cause to petition the
8 United States District Courts to hear his/her Civil Complaints.
9 Yet the defendant, Jeff Cone, Commander of the Linn County
10 Sheriff's Detention Facility, the Linn County Jail, and all of
11 his Subordinates enforce the policy that an inmate who is
12 defending his/her self against a Criminal prosecution has
13 the right to have access to the Courts. BUT! Even this policy
14 of allowing a Linn County Jail inmate to act as his/her
15 Criminal defense Counsel absolutely does not comply with
16 the amendments to the U.S. Constitution or Oregon State's
17 Constitution which clearly defines "meaningful access to
18 the Courts." At all times mentioned herein the defendant did,
19 and is currently acting under color of State law.

20 8)3. Defendant, Todd Vian, Linn County Sheriff's Detention
21 Facility's Administrative Supervisor of all of the Linn
22 County Sheriff's Detention Deputies who have contact
23 with all pretrial detainees and detainees within the
24 Linn County Jail. Defendant, Todd Vian, Supervises all
25 working shifts within the Linn County Jail. There exists
26 two twelve hour working shifts that all Linn County Jail
27 Detention Deputies work. He is responsible for his subordinate

1 enforcement of policies and procedures during their work shifts.
2 The defendant has instructed his subordinates to completely deny
3 an inmate of the Linn County Jail any formal grievance forms
4 for the purpose of complying with the United States District
5 Court's requirement to exhaust all remedies at the
6 administrative level. According to the defendant's superiors,
7 Jeff Cone, Commander of the Linn County Jail, and Timothy
8 Mueller, the Linn County Sheriff, the implementation and enforcement
9 of the policy to deny a Linn County Jail inmate's meaningful
10 access to the U.S. District Court to prosecute a non-frivolous
11 Title 42 of the United States Code Section 1983 Civil action is
12 not a violation of an inmate's Constitutional rights. Thus denying
13 meaningful access to the Court for the purpose of filing a pro se
14 Civil Suit is not grievable within the Linn County Jail. Thus
15 the defendants, and the defendant, Todd Vian, the Linn County
16 Jail's Administrative Supervisor are acting not only in deliberate
17 indifference to my U.S. Constitutional rights to meaningfully
18 access the Courts. All of the named defendants did act, and
19 are currently acting in wanton deliberate indifference to my
20 U.S. Constitutional rights, and my Oregon State Constitutional
21 rights. At all times mentioned herein this Complaint the defendant
22 acted under color of state law.

23 9) Each defendant is Sued individually and in his official Capacity.
24 At all times mentioned herein this Complaint the defendants
25 acted under color of state law.

26

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GO TO PAGE 7 OF COMPLAINT

VI. STATEMENT OF CASE

10) I, Richard Gerald Orr, contend that beginning on Tuesday, April 14th, 2009, at or about 11:00 A.M. I was booked into the custody of the Linn County Jail for allegations that I had violated Conditions of my Post-Prison Supervision. During the booking process I notified Linn County Sheriff's Detention Deputy, Sergeant Taylor, that I was prosecuting a Title 42 United States Code Section 1983 Civil Suit. I gave the names of the defendants which were the Multnomah County Health Department's Corrections Health Services and several of the Multnomah County Sheriff's Detention Deputies who had denied me treatment for my serious medical needs. Linn County Sheriff's Detention Deputy, Sergeant Taylor, immediately responded "The Linn County Jail does not assist with Civil Suits." I subsequently requested a grievance form. Again Sergeant Taylor responded "That is not grievable. You can't have a grievance for that." I, Richard Gerald Orr, had to trade my breakfasts and Supper trays to other inmates for the next 45 days to have enough notebook paper and stamped envelopes to notify the United States District Court Judge, Ancer Haggerty, presiding over my Title 42 USC Section 1983 Civil Suit, Case Number 3:08-CV-607-HA, that I was in the custody of the Linn County Jail and did not have meaningful access to the U.S. District Court.

11) I, Richard Gerald Orr, submit exhibit of evidence, A, The Linn County Jail Inmate Request Form

1 addressed to the defendant, Jeff Cone, Linn County
2 Sheriff's Detention Facility Commander (Linn County Jail);
3 Exhibit of evidence, B, The Linn County Jail Inmate
4 Request Form addressed to the observation Tower on the
5 West Side of the Linn County Jail. The response given
6 by the Linn County Sheriff's Detention Official in
7 exhibit of evidence, A, which states " We provide
8 Stamped envelopes as you well know. What you
9 Choose to do with them is up to you. You get these
10 regardless of your ability to pay." This person does
11 not answer my questions concerning paying the
12 postage of legal mail that exceeds the 44 cents of a
13 one ounce weight. Cone's response is vague, and none of my
14 questions concerning access to the courts are answered.
15 This Linn County Jail Inmate Request Form is dated
16 May 4th, 2010. Also exhibit of evidence, B,
17 absolutely shows the Linn County Jail's policy of
18 "We do not assist with Civil actions." This Linn
19 County Jail Inmate Request Form is dated May 19th,
20 2010. Clearly the deprivation of my rights has happened.
21 What the person who answered the exhibit of
22 evidence, A, did not clarify was the fact that
23 indigent inmates only receive two stamped
24 envelopes and six sheets of notebook paper a week.
25 And absolutely nothing else to provide meaningful
26 access to the courts. No copies are provided or postage for overweight mail.
27 12) The deprivation of my rights to have meaningful

1 access to the U.S. District Court, Portland Division resulted
2 in me starving myself with having to trade my food for the bare
3 essentials of having at least twelve sheets of note book paper
4 and stamped envelopes to provide the U.S. District Court
5 with two copies of my "Notice of Change of Address," and
6 provide the defendant's Counsel, Multnomah County Assistant
7 Attorney, Stephen L. Mad Kour, with a true and correct copy.
8 Also I had to provide the U.S. District Court with two
9 "Certificates of Service" that I had provided the defendant's
10 Counsel for Case No. 3:08-cv-607-HA with a true and correct
11 copy. I was having to starve myself by trading my meals to
12 other inmates simply to have the means to write the Court
13 that I was in the Linn County Jail and could not provide
14 the Court with nothing else. Everything was copied by
15 hand. This does constitute and is cruel and unusual
16 punishment. At no time did the Linn County Jail provide
17 me with paid postage when my legal mail was over the
18 one ounce limit of 44 cents. This refusal to provide
19 me with due process of law caused me to be unable to
20 compose a "Cause of Complaint" to submit to the U.S.
21 District Court concerning the violations of my rights
22 by Oregon State Governmental Agencies.

23 13) The deprivation of my 1st, 8th, 14th Amendments to
24 the U.S. Constitution, and Oregon State's Constitution's
25 Sections 8, 10, 11 did continue at these times of arrest
26 and detention: Beginning Tuesday, April 14th, 2009 through Thursday
27 May 29th, 2009 which is 45 days: I was arrested Thursday,

1 June 11th, 2009 by Linn County's ODOC Community Corrections
2 Agency field officer, Mark Killian, and several of his colleagues
3 at gun point within my apartment's bedroom located at 1015 SW
4 9th Avenue, Apartment 7, Albany, Oregon 97321. I was sentenced
5 (Sanctioned) 21 days within the custody of the Linn County Jail
6 and deprived of meaningful access to the Court until Thursday,
7 July 2nd, 2009. I was again arrested by Linn County's ODOC
8 Community Corrections Agency's field officer, Mark Killian, at
9 or about Wednesday, July 15th, 2009. Again I was sentenced
10 (Sanctioned) by field officer, Mark Killian, 7 days. I was
11 deprived of my rights until I was released Thursday, July
12 22nd, 2009. At or about Wednesday, February 9, 2010 I was
13 again arrested by Linn County's ODOC Community Corrections
14 Agency field officer, Mark Killian, and sanctioned 17 days
15 within the custody of the Linn County Jail. I was released
16 Thursday, February 26th, 2010. I was again arrested at gun
17 point Thursday, April 8th, 2010 by Linn County ODOC Community
18 Corrections Agency field officer, Mark Killian, and two of
19 his colleagues who also had pointed loaded, and ready to fire
20 9 millimeter semi-automatic pistols at me, Robert Dornbusch,
21 Bruce Farmer and Michael Hale at my apartment house within
22 Michael Hale's Apartment. I was sentenced, sanctioned, into
23 the custody of the Linn County Jail for 90 days, 3 months.
24 I was released Tuesday, July 6th, 2010. I had starved by
25 having to trade my food for the stamped envelopes and
26 notebook paper necessary to have LIMITED meaningful
27 access to the Court. I needed to complete my Amended

1 Complaint for U.S. District Court Case No. 3:08-cv-607-HA,
2 and write out a Cause of Complaint to Submit to the U.S.
3 District Court located in Eugene, Oregon. I lost 35 pounds
4 (Thirty five Pounds) of body weight during my 3 months of
5 being detained within the Custody of the Linn County Jail.
6 I attempted multiple times to obtaine Linn County Jail
7 grievances to grieve the jail's policy of depriving me of
8 meaningful access to the Court. I was being arbitrarily
9 arrested and Sanctioned for frivolous reasons by the Linn
10 County's ODOC Community Corrections Agency's field officer,
11 Mark Killian. I absolutely had reason to grieve the policies
12 of the Linn County Sheriff, Timothy Mueller, and his
13 Subordinates, Jeff Cone, Linn County Jail's Commander, and
14 Todd Vian, Linn County Jail's Detention Deputies shifts
15 Supervisor. I was denied all requests to attempt to grieve
16 and remedy this deprivation of my rights to have meaningful
17 access to the Courts, protection from Subsequent Cruel and
18 Unusual punishment, and my right of procedural due process.
19 This is my Statement of my Case.

20

21

VII STATEMENT OF FACTS

22 14)3. The defendant, Todd Vian, Linn County Sheriff's
23 Administrator of all employed detention deputies working
24 within the Linn County Jail was contacted by me on all
25 times that I became incarcerated within the Linn
26 County Jail. I wrote several Linn County Jail Inmate
27 Request Forms addressed to him asking these questions:

- 1 (A) Does the Linn County Sheriff's Detention Officials Know
2 it is unconstitutional to deny an inmate access to the Courts
3 regardless whether it is a Civil or Criminal matter?
- 4 (B) Are the Linn County Sheriff's Detention Administrating
5 Officials Wantonly deliberately indifferent to an inmate's
6 rights concerning Cruel and unusual punishments?
- 7 (C) Why does the Linn County Sheriff's Detention Facility
8 employ, Nancy Carpenter, as the Linn County Jail's law
9 librarian, and she is instructed by you, Mr. Todd Vian,
10 not to provide precedents of Federal Case Law for the
11 purpose of prosecuting a United States District Court
12 Title 42 United States Code Section 1983 Civil Action?
13 Not once during the five arrests and incarcerations
14 within the Linn County Jail did the defendant, Todd Vian,
15 Linn County Jail's employee supervisor answer me.
- 16 15) The defendant, Todd Vian, Linn County Sheriff's
17 Detention Deputy Supervising Official did, and is
18 currently enforcing policies that are wanton deliberate
19 indifferent to the Amendments to the U.S. Constitution,
20 and also to Oregon State's Constitution when he does
21 not stop his subordinates enforcement of policies
22 that deprive a Linn County Jail inmate meaningful
23 access to the U.S. District Court, Causes Cruel and
24 unusual punishment, and deprives him/her of their
25 due process of law. Regardless whether or not he
26 personally has actively deprived the inmate of these
27 rights. As an administrating official who has been

1 informed in writing and verbal messages delivered to him by his
2 Subordinates whom I personally requested them to deliver
3 concerning my right to have meaningful access to the U.S.
4 District Court. The defendant could have, and can stop these
5 violations of my rights. I, Richard Gerald Orr, will be forced to
6 return to the custody of the Linn County Jail. The Oregon
7 State Board of Parole & Post-Prison Supervision currently has
8 submitted a fugitive warrant demanding my forced return to
9 the State of Oregon for undeclared allegations of violating
10 the conditions of my Post-Prison Supervision. Thus the
11 defendant will resume his deprivation of my meaningful
12 access to the United States District Court to petition it for
13 redress of these grievances.

14 16) The defendant, Jeff Cone, Commander of the Linn County Jail
15 has also been contacted and made aware of my legitimate need
16 to have access to a law library that could supply me with
17 pertinent precedents of law pertaining to my prosecution of
18 my current United States District Court Civil Suit, Case No.
19 3:08-CV-607-HA which I am prosecuting currently within
20 the U.S. District Court, Portland Division. The defendant has upon
21 information and belief wantonly deprived me of meaningful
22 access to the courts. I have attempted to remedy this problem
23 at the County administrative level since the beginning of my
24 first detainment within the Linn County Jail Tuesday,
25 April 14th, 2009 through four different detainments until
26 my last release from the Linn County Jail's custody Tuesday,
27 July 6th, 2010 after being detained for 90 days.

1 The defendant, Jeff Cone, Commander of the Linn County Jail
2 has wantonly deprived me of my rights. Thus his co-defendants
3 have acted, and will act again in wanton deliberate
4 indifference to the rights identified herein once I am
5 forced to return to the custody of the Linn County Jail.
6 The defendant has used his color of state law to interfere and
7 stifle my mandated requirement to exhaust the administrative
8 remedies within the Linn County Jail. In fact it is a rule
9 that the Linn County Jail's Commander has the final decision
10 on grieved issues. Once the defendant, Jeff Cone, Linn County
11 Jail's Commander had made the decision that the policy of
12 denying an inmate meaningful access to the United States
13 District Court was not grievable. I believe I have exhausted
14 all administrative remedies. The defendant has, and will continue
15 to act in wanton deliberate indifference to my rights under
16 color of state law.

17 17)1. The defendant, Timothy Mueller, Linn County's Sheriff is the
18 origin of this policy to "... not assist with civil actions." The
19 defendant's subordinates, especially his second and third Linn
20 County Jail Administrator and Supervisor over all other Linn County
21 Sheriff's Detention Officials and Deputies would not act so blatantly
22 and sure of their support unless they were assured of the
23 Sheriff's being the authority that initiated this policy of
24 denying an inmate incarcerated in the Linn County Jail to
25 meaningful access to the courts as a pro se litigant prosecuting
26 a civil action. In fact the defendant, Timothy Mueller,
27 Sheriff of Linn County and his cronies within the

1 Linn County Commissioners office have bragged in the local
2 news paper, The Democrat Herald that they have made a
3 profit from the outrageous collect calls that the relatives
4 of the inmates within the Linn County Jail paid last year of
5 sixty three thousand dollars. Also the in fighting of what to
6 spend the eighteen million dollars that Pepsi Company paid
7 Linn County this year. The defendant has originated the
8 policy to deny Linn County Jail inmates meaningful access
9 to the United States District Court with Wanton deliberate
10 indifference. I, Richard Gerald Orr, contend that with all
11 of the millions of dollars now within the Linn County Commission
12 bank account. The defendant, Timothy Mueller, Sheriff of Linn
13 County can now purchase a very good second hand Copying
14 machine and could very well purchase Computers with Word
15 processing Capabilities so an inmate could print out meaningful
16 briefs and declarations. Also with these funds the defendants
17 could purchase access to the Website of Westlaw. The
18 defendant, Timothy Mueller, Sheriff of Linn County has, and
19 is currently acting in Wanton deliberate indifference to the
20 amendments to the U.S. Constitution, and the sections of
21 Oregon States Constitution that I have set forth herein in my
22 Cause of Complaint.

23

24 VIII. EXHAUSTION OF ADMINISTRATIVE REMEDIES

25 18) I, Richard Gerald Orr, did attempt to resolve this issue
26 at the administrative level at the Linn County Jail during
27 all five incarcerations due to being arrested for Frivolous

1 reasons and outright arbitrary restraint due to Linn
2 County's ODOC Community Corrections Agency field officer,
3 Mark Killian, violating the Post-Prison Supervision.
4 19) The defendants, Jeff Cone, Commander of the Linn
5 County Jail and Todd Vian, Administrating Supervisor
6 of the Linn County Jails Detention Deputies did, and
7 are continuing to enforce the policy that denying an
8 inmate the 1st and 14th Amendments to the U.S. Constitution
9 is not "...grievable." This alone is a violation of the
10 14th Amendment because these defendants have refused
11 to allow me to even initiate my right of "Procedural
12 due process." I declare to the United States
13 District Court that I did exhaust all administrative
14 remedies before I initiated this Current Title 42 U.S.C.
15 Section 1983 Civil Action against the Sheriff of
16 Linn Count and the Linn County Jail Administrative
17 Officials.

18

19

IX. LEGAL CLAIMS

20 20) I, Richard Gerald Orr, reallege and incorporate by
21 reference paragraphs that correspond to the defendants in
22 their numerical order of (1) Timothy Mueller, Linn County's
23 Sheriff; beginning on page three, paragraph Six through page
24 4; and beginning on page fourteen, paragraph Seventeen through
25 page fifteen; (2) Jeff Cone, Linn County Sheriff's Detention
26 Facility's (Linn County Jail's) Commander; beginning on page 4,
27 paragraph Seven (7) line 18; and beginning on page thirteen (13)

1 line fourtee (14) paragraph sixteen (16); (3) Todd Vian, Linn
2 County Sheriff's Detention Facility's (Linn County Jail's)
3 Administrative Supervisor of all Linn County Jail's Detention
4 Deputies and Civilian employees; beginning on page five (5)
5 line 20, paragraph eight (8) through page six (6).

6

7

LEGAL CLAIM ONE

8 19) All of the named defendants, (1) Timothy Mueller,
9 Sheriff of Linn County, (2) Jeff Cone, Commander of
10 the Linn County Jail, (3) Todd Vian, Administrative
11 Supervisor of the Linn County Jail did act in wanton
12 deliberate indifference to my 1st Amendment to the
13 United States Constitution which guarantees that I shall
14 have meaningful access to the United State District Court
15 to petition it for a redress of grievances. This right was
16 blantly deprived under color of State law and Continue.
17 to be deprived.

18

19

LEGAL CLAIM TWO

20 20) All of the named defendants did act in wanton
21 deliberate indifference to my right to be protected from
22 Cruel and Unusual punishment under the 8th
23 Amendment to the United States Constitution. Due to
24 their deprivation of my right to have meaningful access
25 to the U.S. District Court, Portland Division, to continue
26 my prosecution of Case No. 3:08-CV-607-HA, I was forced
27 to sell my meals for stamped envelopes and paper. This

1 resulted in Starvation So Severe that I lost 35 pounds
2 within 90 days. This deprivation of my right has caused
3 intestinal pains so severe that I break out in a cold
4 sweat and get sick to my stomach.

5

6

LEGAL CLAIM THREE

7 21) All of the named defendants did act in Wanton
8 deliberate indifference to my right under the 14th
9 Amendment to the United States Constitution when they
10 deprived me of meaningful access to the United States
11 District Court to commence action of a Title 42 United
12 States Code Section 1983 Civil Action against the Linn
13 County ODOC Community Corrections Agency, the field officer
14 who continues to use his Color of State law to execute
15 arbitrary restraint against my liberty, the Oregon
16 Department of Corrections Community Corrections Division,
17 and its Chief, Mark J. Cadotte. The defendants deprived
18 me of meaningful access to the U.S. District Court when
19 they wantonly refused to provide the means to compose
20 a Cause of Complaint, the means to make copies, and the
21 means to mail the Cause of Complaint with postage
22 appropriate for over weight legal mail. This continues
23 within the Linn County Jail currently, Thursday, August 5th,
24 2010.

25

26

LEGAL CLAIM FOUR

27 22) All of the named defendants did act in wanton

1 deliberate indifference to my right under the 14TH
2 Amendment to the United States Constitution to have
3 procedural due process. The defendants acted in wanton
4 deliberate indifference to this right when they deprived me
5 of the grievance process. To deny an inmate who is detained
6 in a United States jail within one of its states or territories
7 the grievance process due to deprivation of meaningful
8 access to the U.S. District Court for the purpose of
9 prosecuting a Title 42 United States Code Section 1983
10 Civil action as a Pro Se Litigant is an absolute grievable
11 issue. The defendants acted in wanton deliberate indifference
12 when they told me this policy within the Linn County Jail
13 was not grievable.

14

15 X. PRAYER FOR RELIEF

16 23) WHEREFORE, I, Richard Gerald Orr, respectfully prays
17 that this Court enter judgment granting me:

18 24) ONE (1): That the acts and omissions described herein
19 Violated my rights under the United States Constitution and
20 Oregon State's Constitution and;

21 25) TWO (2): A preliminary and permanent injunction
22 ordering defendants: (1) Timothy Mueller, Sheriff of Linn
23 County; (2) Jeff Cone, Commander of the Linn County Jail,
24 (3) Todd Vian, Administrative Supervisor of the Linn
25 County Jail, to desist from any and all future acts of
26 retaliation or vengeance for this action at law suing them.
27 This includes relatives, friends or any person of whom

1 Would cause me, Richard Gerald Orr, harassment or harm in
2 any shape or form.

3 26) Three (3): Compensatory damages in the amount of
4 fifteen thousand dollars against each defendant, jointly
5 and severally.

6 27) Four (4): Punitive damages in the amount of fifty
7 thousand dollars against each defendant.

8 28) Five (5): A jury trial on all issues triable by a jury.

9 29) Six (6): My costs in this suit.

10 30) Seven (7): Any additional relief this Court deems
11 just, proper, and equitable. Done This Thursday, 8-06-2010

12 Respectfully Submitted This 6th day of August, 2010.

13 Richard Gerald Orr,
14 Richard Gerald Orr.

15

16 XI. VERIFICATION

17 31) I have read the foregoing Complaint and hereby
18 verify that the matters alleged therein are true and
19 correct, except as to matters alleged on information and
20 belief, and, as to those, I believe them to be true. I
21 certify under the penalty of perjury that the foregoing
22 is true and correct. Respectfully Submitted and Executed
23 at the Clark County Jail, P.O. Box 1147, Vancouver,
24 Washington 98666-1147; Richard Gerald Orr
25 Richard Gerald Orr

26 Executed this 6th day of August, 2010.

27